

### **REMARKS**

In response to the Office Action dated August 18, 2011, Applicants respectfully request reconsideration. Claims 1-10, 14, 16, 18-23, 25-39, and 45-47 were previously pending in this application. By this amendment, claims 1 and 2 are amended. No new claims are added. As a result, claims 1-10, 14, 16, 18-23, 25-39, and 45-47 are pending for examination with claims 1, 16, and 22 being independent. No new matter is added.

### **Summary of Telephone Conference with Examiner**

Applicants thank the Examiner for the courtesy of granting and conducting a telephone interview on October 18, 2011. During the interview, proposed claim amendments, as presented herein, were discussed. It was agreed that the amendments place the application in condition for allowance, and the Examiner did not foresee any problem entering this amendment under 37 C.F.R. 116.

### **Allowable Subject Matter**

Claims 16, 18-23, 25-39, and 47 are allowed.

### **Rejections Under 35 U.S.C. §103**

The Office Action rejected claims 1, 6-10, and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0084417 (Melpignano) in view of U.S. Patent Application Publication No. 2002/0178246 (Mayer). These rejections are respectfully traversed.

### **Independent Claim 1 Patentably Distinguishes Over the Cited References**

The rejection of independent claim 1 should be withdrawn because Melpignano and Mayer, alone or in combination, fail to teach or suggest every limitation of claim 1. For example, amended claim 1 recites, *inter alia*:

determining a network DNA for the computer network, the network DNA classifying the computer network, and the network DNA comprising at least one of said at least one derived network DNA

component indicating a network species classification selected from among a plurality of network species classifications,

the network species component indicating the network species is a first species if a first combination of network conditions is identified in the at least one attribute of the computer network;

the network species component indicating the network species is a second species if a second combination of network conditions is identified in the at least one attribute of the computer network; and

the network species component indicating the network species is third species if a third combination of network conditions is identified in the at least one attribute of the computer network.

(underlining reflects present amendments).

Neither Melpignano nor Mayer, alone or in combination, teach or suggest the above limitations. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-10, 14 and 45 depend from claim 1 and are allowable for at least the same reasons.

*Dependent Claims 2-5 and 45 Patentably Distinguishes Over the Cited References*

The Office Action rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Melpignano and Mayer in view of U.S. Patent Application Publication No. 2002/0176366 (Ayyagari). Claim 2 depends from claim 1 and Ayyagari fails to cure the deficiencies of Melpignano and Mayer related to the limitations of independent claim 1. Accordingly, withdrawal of the rejection of claim 2 is respectfully requested.

The Office Action rejected claims 3-4 under 35 U.S.C. §103(a) as being unpatentable over Melpignano and Mayer in view of U.S. Patent Application Publication No. 2004/0068582 (Anderson). Claims 3-4 depend from claim 1 and Anderson fails to cure the deficiencies of Melpignano and Mayer related to the limitations of independent claim 1. Accordingly, withdrawal of the rejection of claim 3-4 is respectfully requested.

The Office Action rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Melpignano and Mayer in view of U.S. Patent No. 7,159,125 (Beadles). Claim 5 depends from claim 1 and Beadles fails to cure the deficiencies of Melpignano and Mayer related to the limitations of independent claim 1. Accordingly, withdrawal of the rejection of claim 5 is respectfully requested.

The Office Action rejected claim 45 under 35 U.S.C. §103(a) as being unpatentable over Melpignano and Mayer in view of U.S. Patent Application Publication No. 2005/0257267 (Williams). Claim 45 depends from claim 1 and Williams fails to cure the deficiencies of Melpignano and Mayer related to the limitations of independent claim 1. Accordingly, withdrawal of the rejection of claim 45 is respectfully requested.

**General Comments on Dependent Claims**

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

### CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. .

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70234US00 from which the undersigned is authorized to draw.

Dated:

*Oct 17/2011*

Respectfully submitted,

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